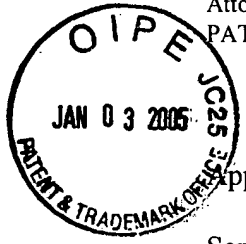


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Attorney Docket No. 509/41785
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin B. Root, *et al.*
Serial No.: 10/694,767 Art Unit: 3683
Filed: October 29, 2003 Examiner: Siconolfi, R.
For: INTEGRATED TRAIN ELECTRICAL AND PNEUMATIC BRAKES

REQUEST FOR RECONSIDERATION

Honorable Assistant Commissioner for
Patents
Washington, D.C. 20231

BARNES & THORNBURG CUSTOMER NO:
23646
U.S. PATENT AND TRADEMARK OFFICE

Sir:

REMARKS

In response to the Office Action dated December 1, 2004 Applicant provides the following remarks:

Claims 1 and 2 stand rejected under 35 U.S.C. § 112. The question is whether the brake controller and the processor module are one or multiple units. Claim 1 has been amended to indicate that the processor module is part of the brake controller.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102 as anticipated by Joyce, Jr., *et al.* (U.S. Patent No. 5,721,683). Reconsideration of this rejection is requested in view of the following arguments

Claim 1 is directed to a brake system of a train which includes a train brake pipe extending through locomotives and cars in the train, a locomotive brake pipe extending through adjacent locomotives, pneumatic brakes on the locomotives connected to the locomotive brake pipe, and electropneumatic brakes on the cars connected to the train brake pipe and an electrical network. The system further includes a brake controller providing locomotive and train brake commands and an electropneumatic controller connected to the brake controller, the train brake pipe and the locomotive brake pipe. A trainline controller is connected to the electrical network,

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and a locomotive computer is connected to a display. A processor module portion of the brake controller connects the brake controller's commands to the trainline controller and connects the trainline controller to the electropneumatic controller and the locomotive computer.

Claim 2 further includes a distributed power system connected to the processor module and the processor communicating on the distributed power system.

In Joyce, Jr., *et al.*, the locomotive control computer 2 is connected with a brake control 3 associated with a pneumatic braking operating unit. The locomotive interface unit receives signals from the brake control computer 3 and provides it on the locomotive wires to the other locomotives in the consist or those connected to the lead locomotive. Joyce, Jr., *et al.* does not disclose having electropneumatic brakes on the cars of the train. Thus, the locomotive interface unit of Joyce, Jr., *et al.* is not connected to an electrical network which includes electropneumatic brakes on the cars. Joyce, Jr., *et al.* only show a pneumatic train brake system.

In summary, Joyce, Jr., *et al.* does not anticipate nor make obvious the specific accommodation of Claims 1 and 2.

An earnest attempt has been made to respond fully to the Examiner's rejections and to place the instant application in condition for allowance. Upon review of Claims 1 and 2, it will become evident that they are allowable over the art for the reasons stated above and, thus, passage of this case to issue is respectfully solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (509/41785).

Respectfully submitted,

BARNES & THORNBURG



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Enclosure

84971v2

ATTACHMENT A

CHANGES TO THE CLAIMS

1. (Currently amended) A brake system of a train which includes a train brake pipe extending through locomotives and cars in the train, a locomotive brake pipe extending through adjacent locomotives, pneumatic brakes on the locomotives connected to the locomotive brake pipe, and electropneumatic brakes on the cars connected to the train brake pipe and an electrical network, the system further comprising:

a brake controller providing locomotive and train brake commands;

an electropneumatic controller connected to the brake controller, the train brake pipe and the locomotive brake pipe;

a trainline controller connected to the electrical network;

a locomotive computer connected to a display; and

a processor module portion of the brake controller connecting the brake controller's commands to the trainline controller, and connecting the trainline controller to the electropneumatic controller and the locomotive computer.

2. (Original) The brake system according to Claim 1, including a distributed power system connected to the processor module and the processor communicating on the distributed power system.